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UNCLAS SECTION 01 OF 02 STATE 067315

SIPDIS, PASS TO ALL USAID MISSIONS

E.O. 12958: N/A

TAGS: ALOW AMGT AFIN

SUBJECT: INTERIM DSSR CHANGES TO INCLUDE SAME-SEX DOMESTIC PARTNERS

REF: DSSR

¶1. On June 18, the Secretary of State announced that the Department is extending the full range of legally available benefits to same-sex domestic partners of Department employees sent to serve abroad. On June 17, President Obama called on the heads of all other executive departments and agencies to determine what authority they have to extend such benefits to same-sex domestic partners. To implement the Secretary's announcement, the Under Secretary of State for Management has approved interim changes to the Department of State Standardized Regulations (DSSR) to include same-sex domestic partners for purposes of calculations and payments of allowances. Other agencies may follow-suit and implement these benefits for their civilian employees serving overseas.

¶2. The full text for the interim changes can be found at the following State Department Intranet site:
http://aoprals.a.state.gov/news_story.asp?new_s_id=58.

The changes can also be found at the following Internet site:
http://aoprals.state.gov/content.asp?content_id=356&menu_id=92

The interim changes carry an effective date of July 5, 2009 for the Department of State. If other agencies decide to implement the changes as well, they may do so on the same date or on any subsequent date. Because these are interim changes and the agency review process has not yet concluded, final changes will be published with TL: SR 713 dated 8/2/09, available on both the Internet and Intranet websites on or about 8/3/09. The Internet site address for the final regulations will be:

http://aoprals.state.gov/content.asp?content_id=231&menu_id=92

The State Department Intranet site address for the final regulations will be:

http://aoprals.a.state.gov/content.asp?content_id=282&menu_id=86

¶3. As approved by the Under Secretary, Section 040m will define "Family" and "family member" as follows:

(1) spouse or domestic partner (the latter as defined by agency regulations, when the head of agency determines this is in the interest of the Government), but not both;

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(2) children who are unmarried and under 21 years of age or, regardless of age, are incapable of self-support. The term shall include, in addition to natural offspring, step and adopted children and those under legal guardianship of the employee, of the spouse, or of the domestic partner when such children are expected to be under such legal guardianship at least until they reach 21 years of age and when dependent upon and normally residing with the guardian. Any child or children of a domestic partner of an employee shall be deemed a stepchild of the employee. (See Sections 270 and 280 on education allowances and educational travel.);

(3) parents (including step- and legally adoptive parents) of the employee, of the spouse, or of the domestic partner, when such parents are at least 51 percent dependent on the employee for support;

(4) sisters and brothers (including step or adoptive sisters, or step or adoptive brothers) of the employee, of the spouse, or of the domestic partner, when such sisters and brothers are at least 51 percent dependent on the employee for support, unmarried and under 21 years of age or, regardless of age, are incapable of self-support. (See also Sections 270 and 280 on education.);

(5) when determined by the head of agency to be in the interest of the Government, a father, mother, brother, sister, son or daughter, regardless of age or dependency, who acts as the official hostess or equivalent for an employee who has no spouse or domestic partner residing with him or her at the post.

¶4. Other DSSR provisions will be amended to include domestic partners or domestic partnerships, including Sections 030 (Applicability), 120 (Quarters Temporary Subsistence Allowance), 130 (Living Quarters Allowance), 240 (Foreign Transfer Allowance), 250 (Home Service Transfer Allowance), 260 (Separate Maintenance Allowance), and 600 (Evacuation Payments).

¶15. As set forth in State 066740 (DTG 262320Z JUN 09), in order to obtain benefits for their same-sex domestic partners, Department of State employees must: (1) file an affidavit of eligibility for benefits and obligations (available at http://hrweb.hr.state.gov/prd/hrweb/dg/pc/same_sex Domestic_Partners.cfm) and, (2) update their OF-126 (Residency and Dependency Report). In addition, employees serving or assigned overseas must submit Form SF-1190 (Foreign Allowances Application, Grant and Report) in order to include newly-declared family members for overseas allowances purposes.

¶16. Questions may be addressed to the Office of Allowances by phone at 202-261-8700, by fax at 202-261-8707, or by email at allowanceso@state.gov.

¶17. MINIMIZE CONSIDERED.
CLINTON